

BEST AVAILABLE COPYAmendment to Claims:

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21. (canceled)

22. (currently amended) Apparatus for separating debris from rock on a surface free of standing water comprising:
a power vacuum source;

an elongated tubular intake portion of a first constant diameter throughout having an a single open entrance end and an opposite end wall and excluding any openings between said entrance end and said end wall;

an elongated tubular outlet portion of a second constant diameter throughout, smaller than said first constant diameter of said intake portion including an entrance end portion extending centrally through said end wall into fluid communication with the interior of said intake portion and an outlet end having

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a single exit opening in communication with said vacuum source, said intake portion being of a length substantially greater than that of said outlet portion; and

means for grasping said apparatus in the hands of a user to facilitate advancement in a slightly raised position above the surface to permit the introduction of air, debris and rock into said intake portion ~~whereupon any whereby~~ debris lighter than rock will be drawn upwardly through said outlet portion into said vacuum source and ~~any~~ rock lifted from the surface will return to the ~~landscape~~ said surface.

23. (canceled)

24. (previously presented) The apparatus according to claim 22 wherein said grasping means includes at least one handle member.

25. (currently amended) The apparatus according to claim 24 wherein said at least one handle member includes a first handle member that extends parallel to a longitudinal axis of said intake portion.

26. (currently amended) The apparatus according to claim 25 wherein said at least one handle member includes a second handle member that extends at an angle in a perpendicular plane to said first handle member.

27. (currently amended) The apparatus according to claim

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26 wherein said handle members are located on said intake and outlet portions first handle member is located on an exterior surface of said intake portion and said second handle member is located on an exterior surface of said outlet portion.

28. (previously presented) The apparatus according to claim 22 wherein a pressure state is created within said intake portion such that when the intake portion is lifted off of the surface, said rock in said intake portion is deposited on said surface.

29. (previously presented) The apparatus according to claim 22 wherein said intake portion is at least twice as long as said outlet portion.

30. (currently amended) The apparatus according to claim 22 wherein the outlet portion is disposed in a head assembly configured for attachment to the intake portion with the outlet portion in direct fluid communication with the inlet intake portion.

31. (currently amended) Apparatus for separating debris from rock on a landscape surface in a dry environment comprising:
an elongated tubular intake portion having a constant first diameter throughout said intake portion;
an elongated tubular outlet portion having a constant second diameter throughout said outlet portion, said first diameter being almost twice as great as said second diameter;

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said intake portion having an open entrance end and (a) means defined by an end wall opposite to said entrance end for deflecting rocks from entering said outlet portion, said outlet portion including an end portion extending centrally through from said deflecting means into fluid communication with an interior of said intake portion;

a power vacuum source in communication with an outlet end of said outlet portion;

~~said intake portion and said outlet portion in combination being of a length to extend to the waist level of a user; and~~

means for grasping and maneuvering said intake portion and said outlet portion in the hands of a user to facilitate advancement and positioning of said apparatus above along the landscape surface.

32. (previously presented) The apparatus according to claim 31 wherein said outlet portion is substantially elbow shaped.

33. (currently amended) The apparatus according to claim 31 wherein a diameter of said open entrance end is equivalent substantially equal to a diameter of said opposite end wall.

34. (currently amended) The apparatus according to claim 31 wherein said deflecting means includes an end wall opposite said open entrance end with a central opening, said end wall extending at a substantially right angle to the direction of flow through said intake portion.

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35. (canceled)

36. (canceled)

37. (canceled)